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Philip M. Stinson

Bowling Green State University, stinspm@bgsu.edu

Bradford W. Reynolds

breyns@weber.edu

John Liederbach

Bowling Green State University, jlieder@bgsu.edu

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Research Brief *One-Sheet* – No. 5

Police Criminal Misuse of Conductive Energy Devices

Philip M. Stinson, Sr., Bradford W. Reynolds, & John Liederbach

Background

Conductive energy devices (CEDs), including the TASER (an acronym for Thomas A. Swift Electric Rifle) have been adopted by thousands of law enforcement agencies because they offer a less-than-lethal method for gaining control of suspects. Research has shown that CEDs can be effective tools to subdue and control dangerous persons and reduce injuries to law enforcement officers and suspects (*see, e.g.,* White & Ready, 2007). Similar to firearms, side-handled batons, and metal flashlights, CEDs can be used excessively and/or inappropriately. These devices offer a less-than-lethal alternative to firearms by allowing police officers to temporarily incapacitate dangerous suspects with an electrical shock.

The most popular CEDs are the TASER M26 and X26 models. Both are shaped like a handgun and use nitrogen cartridges to fire two barbed projectiles into the target, delivering an electrical current that temporarily overrides the suspect's motor and sensory functions, and thereby temporarily incapacitating the target individual (Cronin & Ederheimer, 2006). Both TASER models can incapacitate targets up to 35 feet away and penetrate up to one inch of clothing when used in the "probe mode." TASERS can also be used at close range in "drive-stun mode" by pressing the bars directly against the target suspect's body.

The purpose of the research is to explore and describe the nature and character of arrest cases that involve the criminal misuse of TASERS by police officers through a content analysis of news articles. The research specifically focuses on factors that were common among the arrest events involving CEDs, especially with regard to the actions and motivations of the arrested officers and how the situational context appeared to influence the criminal misconduct of police officers.

Methods

Data for this study were collected as part of a larger study on police crime. The study identifies cases where officers were arrested for crimes involving the misuse of a TASTER through content analyses of published news articles. Data are located using the Google News™ search engine and Google Alerts™ email update service. All news articles included in the larger study were scanned into digital image electronic files. The cases in this study were identified through full-text searches of 19,341 pages of digital images in a unique database of police crime cases. In the end, news articles were located about 24 sworn law enforcement officers who were had been arrested during the years 2005-2011 for one or more crimes involving the criminal misuse of a TASER. Inductive content coding processes resulted in the identification of 35 features in the news narratives about police officers arrested in encounters that involved the criminal misuse of a TASER.

Findings

The majority of the officers arrested for misuse of a TASER were charged with assault-related offenses. Half of the officers arrested were charged with misdemeanors (e.g., harassment, simple assault), and half were charged with felony offenses. The felony offense most often charged was aggravated assault,

although one officer was charged with non-negligent manslaughter and another officer was charged with aggravated felonious sexual assault. Almost sixty percent of the officers arrested ultimately lost their job as a police officer (either through resignation or termination), and all but one of the arrested officers were suspended for a period of time immediately following the incident. Data on the criminal case disposition were available in 18 cases. Eight cases resulted in a criminal conviction, four cases resulted in acquittal by jury trials, five cases were dropped by the prosecution, and one case ended before trial with the arrested officer's death by suicide.

More generally, the 24 cases identified were highly unusual. None of the cases involved much—if any—situational risk to the officer. The criminal misuse of TASERs seems more likely to involve criminal suspects who are already handcuffed, or even citizens who are clearly not criminals at all. In these cases, TASERs were commonly deployed against people the officer knew quite well, including spouses, girlfriends, other relatives, and even other cops.

Implications

Our findings on the nature and character of these cases suggests the need to look beyond situational risk and the factors that are most likely to explain both the appropriate use of TASERs and the more general exercise of coercive force by police. These cases are probably most appropriately explained by individual factors and psychological maladies, although the small number of cases precludes any definitive hypotheses in this regard. Nonetheless, the TASER may provide some emotionally troubled police a less-than-lethal tool to deliver "street justice" to persons who are perceived to need to be "taught a lesson," including cheating spouses, recalcitrant girlfriends, or troublesome citizens (*see, e.g., Skolnick, 1994*).

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